

## EXHIBIT 1

Rec'd 2/23/11

September 28, 2004

Mrs Roxanne Lotts  
Health Care Center  
Nursing Department

Dear Mrs Lotts,

It is my feelings that I was scored unjustly on my par which is the reason why I requested a meeting with you.

Ms Wolke, ADON was assigned to do my par in April 2004, in doing so she dropped my work performance score for some unknown reason to me. I asked Ms Wolke has there been a problem with my work performance? She stated to me that there had been a few problems, I asked her to be more specific, but there was no response,

I stated to Ms Wolke that my previous supervisor, Mrs. Bivians, gave me a fair rating according to my work performance when she did my par so why was my rating being dropped? And Ms Wolke stated to me that she does not rate the same as anyone else whatever that meant.

I would like to know "what's up with the drop in my score? I would like to take whatever action necessary to receive justice.

It is my opinion that Ms Wolke has not treated me fairly and that she has shown favoritism to other co-workers by either leaving their par rating the same are raising it higher.

I don't want to make unjustly or false accusation against Ms Wolke, but I will state how she has made me feel over the last few years that I have worked under her supervision.

Ms Wolke has offended me in many ways; she appears to have no regard to the amount of work that I am responsible for doing, on one occasion Ms wolke stated that I did not need an office or my own computer, she state that I could work out of the nurses station and use their computer, which demonstrate to me that she has little or no respect for my job duties. Which is evident by my par rating. With the amount of work that I have to put out in a day, to have made such a suggesting was thoughtless.

There are about 250 clients that I am responsible for scheduling medical appointments, which inclines preparing paperwork, arranging transportation, and doing a weekly calendar, and recording information on desk calendar in nurses station.

In order for me to insure that I have efficient and quality work I must spend time to read-through all appointments, consults, recording.



I feel compelled to give you this information because I don't believe you realize the extent of my paperwork Please see attached daily job duties.

- 1- I receive 5 to 10 consults a day 5 being minimum 10 being maximum
- 2- 25 to 50 a week (consults)
- 3- 4 to 10 medical trips going out a day
- 4 being minimum 10 being maximum a day
- 5- 20- to 30 medical trips a week
- 6- not counting appointments that have to be rescheduled or ASAP, or emergency appointments that comes throughout the day, addition to dental paperwork
- 7- Make ambulance transportation arrangement for 5-10 clients per week

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Keeping in mind the medical trips now add the paper work that has to go with each client and the recording on each client.

Every day I prepare the paper work for the following day  
Schedule up to 10 new appointments a day or more, trans, record cancel  
~~And reschedule appointments that clients refused or just did not go, for whatever reason.~~  
Fax over paperwork to hospital, doctors are appointment site.  
File new consults appointment / correct data sheets that are in computer add new data information.  
Schedule ASAP appointments; receive calls from hospitals, doctor's office, make  
EMERGENCY APPOINTMENTS  
Call for x-ray films, call for copies of result to go with clients.  
Make copies of results etc.

A total of 52 weekly medical calendars are distribute a year the calendar has never been late or not available. 3 to 4 errors on the medical calendar in a year is a small percentage to compare.

I am over whelmed with paperwork, but yet I never complain about it.  
Ms Woike is very much aware of the amount of work that I do because there have been times that she has assisted me with my work.

Sincerely yours,

Phyllis Atkinson  
Pa

**DISCRIMINATION COMPLAINT PROCESSING FORM**

NEW JERSEY DEPARTMENT OF PERSONNEL

**INSTRUCTIONS:** To be filed with the Affirmative Action Officer or authorized designee for the State department / agency where you work or applied for employment.

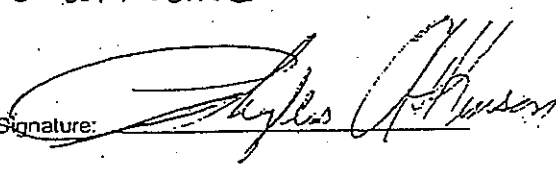
Read reverse side before completing form.

1. Name: <b>PHYLLIS ATKINSON</b>	2. Social Security Number: <b>157-54-6131</b>	3. Telephone (work): <b>X4146</b> <b>973-256-1700</b>
4. Job Title: <b>PRINCIPAL Clerk TRAN</b>	5. Department: <b>NURSING</b>	6. Telephone (Home): <b>973-279-8111 (H)</b> <b>973-460-0382 (C)</b>
7. Home Address: <b>317 E 30th Street</b> <b>PATERSON N.J. 07504</b>		
8. Exact date(s) of discriminatory action(s): <b>11/04 12/04 4/04</b>		
9. Basis of Discrimination: <input checked="" type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Ancestry <input type="checkbox"/> Reprisal (from having filed a discrimination complaint) <input type="checkbox"/> Color <input type="checkbox"/> Creed <input type="checkbox"/> Disability <input type="checkbox"/> Sex <input type="checkbox"/> Age <input type="checkbox"/> Sexual Harassment <input type="checkbox"/> National Origin <input type="checkbox"/> Marital status <input type="checkbox"/> Affectional/Sexual Orientation		

10. Explain why you feel you have been discriminated against (include the name and title of person(s) you believe discriminated against you).

**YOU HAVE THE BURDEN OF PROVING YOUR CHARGE OF DISCRIMINATION:****ARTICLE 2****A. NON-DISCRIMINATION**  
**see attached**

ATKINSON EEO 71

11. Appellant's Signature: Date: **3/29/05**☐ ADDITIONAL SHEETS ATTACHED

12. Have you filed a discrimination complaint with the

• N.J. Division on Civil Rights?

☐ YES☒ NO

• U.S. Equal Employment Opportunity Commission?

☐ YES☒ NO

13. Have you filed a grievance on the issues / personnel actions described?

☒ YES☐ NO**DO NOT WRITE BELOW THIS LINE**

AA Officer

Signature: \_\_\_\_\_

6

Date

Received: \_\_\_\_\_

## EXHIBIT 2

March 28, 2005

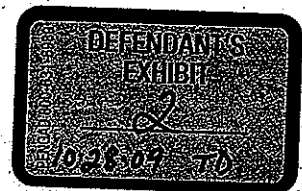
Ms Phyllis Atkinson  
317 E.30<sup>th</sup> Street  
Paterson NJ 07504

Re: Complaint of Discrimination

To Whom It May Concern:

It is my complaint that Ms Wolke, ADON has discriminated against me,  
because of my race.

My first encounter of being discriminated by Ms Wolke began in  
April 2004, when Ms Wolke was assigned to do my par  
(Evaluate my work performance), after Ms Wolke rated my par, she  
informed me that I had to sign off on my par, and it was then that I noticed  
that Ms Wolke had dropped my par rating, when I verbally inquired to  
Ms Wolke about my par rating being dropped, her answer to me was that  
you had a few problems. I then asked her could she be more specific, but  
there was no response to that question. I brought to Ms Wolke attention that  
when my previous supervisor did my par she rated me fairly, Ms Wolke  
response to me was, "I don't care I rate differently"  
I was not satisfied with Ms Wolke answer about my par rating, so I refused  
to sign off on my par, until I was able to meet with Mrs. Lotts, DON.



On September 28, 2004 I notified Mrs. Lotts verbally, and in writing, and requested to have a meeting with her so that I could discuss the disagreement that I had about my par rating.

Ms Lotts scheduled a meeting with Ms Wolke and myself to meet with her.

At the meeting I explained to Ms Lotts the amount of work that I am expected to produce in a day, and I also gave her an outline of my job duties

I asked Mrs. Lotts how is it that Ms Wolke increased or left

Ms Corrado par rating the same and reduced my par rating.

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The job that Mrs. Corrado is doing was previously my job,

And before Mrs. Corrado received a quarter of my workload,

I was doing it all alone, although I believed I was over worked,

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I never complained about it, until my par rating was dropped.

How ironic it is that Mrs. Corrado received a quarter of my workload, and her par rating is increase or left the same.

Mrs. Corrado is a white female who is treated fairly by Ms Wolke, and it is also my belief that Ms Wolke gave Mike, the Health Care Center Head nurse who is also white an increase or fare rating on his par.

I am not concerned about their pra ratings, but when you start treating me differently and rating me unjustly it becomes a big concern for me.



Until this day, I have not been informed to what the outcome of that meeting resulted in.

It is my belief that Mrs. Wolke never felt obligated to give me credit for any of my work as far as she was concerned, I was not doing enough work.

It is my belief that because I am black, She sees me to be inferior to her and other white people. She has made remarks that warrant me to honor my beliefs, her remarks were such as "I don't need my own computer" or my own desk" Her statement was that I could

work out of the nurses station, and believe me when I say if she was given the opportunity to act on her remarks she would not have taken a second thought to carry her remarks out.

She has always treated me differently from Mrs. Corrado, and other whites, when Ms Corrado was given a quarter of my workload as the consent nurse at the Health Care Center,

Ms Wolke certainly was in 100% in agreement with Ms Corrado receiving her own office, and everything new.

Mrs. Corrado was given a new desk, new chair and what ever she needed, she received it without any hassle.

I have worked at NJDC for twenty-five years and was never able to get a new desk until after Mrs. Corrado got hers, Ms McCray who



is also black and a secretary in the HCC has worked for the state over 30 years and Has never received a new desk until after Ms Corrado received her desk. There was also and incident where Mrs. Wolke took a brand new computer that was ordered for another black co-worker and gave it to Mrs. Corrado. Please note that there is no offense to Ms Corrado. It is not her fault and I am not blaming her for what has happen.

As I continued to be treated differently by Ms Wolke my next encounter of being discriminated by Ms Wolke occurred

In March of 2004 I completed my annual vacation request as requested by administrative, and I retuned it back to administrative By March 15, 2004 as requested, I was suppose to have receive it back within two weeks are so from Ms Wolke, stating rather it was Approved or not, but I never did received it back, other white employees had received their annual vacation request back from Ms Wolke, and because I never receive it back, as a result an enormous amount of confusion developed with my time.

I requested Thanksgiving Day off, on my annual vacation request as I had always did in the previous years, for over twenty years I have always taken off the same time to go visit with my mother who lives out of the state of NJ. But because I did not receive my

annual vacation request from Ms Wolke, to confirm rather my vacation had been approved or not, I had to re-request for that time off again, so I approached Mrs. Lotts, and asked her would she approve my time off for me, at that time she stated to me that she was really busy, and she had a dead line to meet, and that I would have to get Ms Wolke to approve my time off, it was at that time I told Ms Lotts that, I am having problems with Ms wolke, so could she please approve my time off for me so that I won't have to confront with Ms Wolke, but Mrs. Lotts insisted that I deal with Ms Wolke leaving me with no other choice.

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I approached Ms Wolke to request for my time off, as Mrs. Lotts had instructed me to do, and just as I had previously predicted Ms Wolke denied my time off.

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I approached Mrs. Lotts, to inform her about Ms Wolke denying my time off.

I stated to Mrs. Lotts that Ms Wolke had denied my time off.

I explained to Mrs. Lotts that I have been taking off this time for over twenty years, but Mrs. Lotts stated back to me that if Ms Wolke denied my time, she was not going to over ride Ms Wolke decision, and that I needed to call Ms Woke at home, to see if she would change her mind,

I thought to myself wow!! Is she thoughtless or what! To even suggest something like that was offensive to me.

To suggest that I call Ms Wolke at home to get my denied time changed was not going to happen, according to NJDC policy my time should have been approved or denied eight months ago. And now it was being suggested that I call Ms Wolke at home, I remembered thinking to myself that I will not be calling Ms Wolke at home to get my time approved.

Before I go to that extreme, I will use my sick time to cover the days that I needed, I also contemplated to myself that if Ms Wolke had returned my annual vacation to me at the appropriate time, that I would not be going through this, but now I am being punished for her wrong doing.

I reminded Mrs. Lotts that Ms Wolke does not treat me right, and if you would have taken the time yourself to approve my time off, when I had made my request to you, I would not be experiencing this dilemma. I stated to Ms Lotts that I had originally requested for this time off on my annual vacation request, Mrs. Lotts stated to me that Ms Wolke told her the day before, that I did not request for that time frame off, on my annual vacation request, which gave me the knowledge that Ms Wolke had my vacation request at hand all year long, and had pre-decided not to return my vacation request back to me. Ms Lotts stated to me that she was not going to over ride Ms Wolke decision, after pleading with Mrs. Lotts,

I then asked Mrs. Lotts did she see my vacation request with her own eyes to know rather Ms Wolke was being truthful or not, and Mrs. Lotts stated back to me that she did not see the vacation request, and I stated to Mrs. Lotts then how do you know that Ms Wolke is telling the truth, if she did not show you my annual vacation and she did not leave me a copy of my vacation request in my mail box, then what proof do I have that she is being honest and truthful, and after I made that point to Mrs. Lotts, she then decide to over ride Ms Wolke decision, and approved my time off.

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On another occasion I requested for vacation time with the Christmas Holiday on my annual vacation request, but because I still did not receive my annual vacation request for that year.

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I did not want to assume that my vacation time had been approved, so I made an attempt for the second time to contact Mrs. Lotts, to confirm rather my time off was approved for the Christmas Holiday or not, but she had already left for the day, I did not want to get into a confrontation with Ms Wolke, so I decided to call Ms Davis, ACEO, I explained to her the situation with Ms Wolke and myself, After explaining to Ms Davis the situation, she decided that she would handed the situation, and the results were in my favor. Ms Davis then stated to me, that in the future if I don't

receive my annual vacation request in a timely manner, I could assume that it is approved.

It is my belief that I, Phyllis Atkinson, am being discriminated against by Ms Carol Wolke, ADON on a continuing basis.

Ms Wolke has verbally abuse me, and made threats against me.

Recently she was able to carry out one of her threats against me.

She continues as of this day to try to intimidate me, I am getting

reports while I am at home sick, from co-workers, that she has it

out for me, and that she is making statements such as, I will not be

coming back to work at the Health Care Center, if she has anything

to do with it.

I don't know how true these statements are, but I do know that I

have a right to be protected from such reprisal behavior.

I am presently out sick due to her constant harassment and

I am constantly feeling threaten and terrorized by Ms Wolke.

And if Ms Wolke is allowed to continue to abuse her authority

I am prepared to take whatever legal action I have to take against

Ms wolke to protect myself. Ms Wolke threats, harassment and

abuse has petrified me, and because of her constant threats I am

living in a state of fear, I am in fear of returning to work and

having any contact with Ms Wolke.

It is my belief that Ms Wolke is capable of bringing physical and

mental harm to me, she has demonstrated deceitful ways which has



warrants me to believe that she will go to any extent to get revenge with me, for making complaints against her.

It is my belief that, because Ms Wolke is a part of NJDC Administrative staff she holds high regard on being credible.

It is my belief that Ms Wolke believes that she is excluded from being reprimanded for her unprofessional behavior, her discrimination against me, and her abuse and harassment continue as of this day.

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I am exhausted from the acts that has come up against me by Ms Wolke, and if my complaints continue to be ignored by NJDC Administrative staff, Ms Wolke will surly bring physical and mental harm to me, as I had predicted in a previous letter I

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requested to be protected from Ms Wolke but, because my complaint was not address in a timely manner one of her threats became a reality, she was able to magnify a issue that occurred on February 14, 2005, and I am now predicting, to you again that if someone does't hear my cry for help, I believe I will surly be destroyed by Ms Wolke, I am at the mercy of NJDC

Administrative staff again, requesting that Ms Wolke be accountable for her acts of discrimination against me.

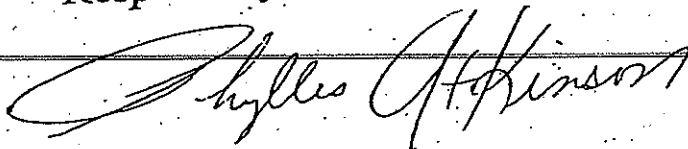
I cannot continue to tolerate Ms Wolke unprofessional behavior and be attack by other NJDC Administrative staff because she

appears To be creditable to them, until both sides of a story has be heard it is impossible to make a fair judgment until all the facts have been examined.

I would like to bring discrimination charges against Ms. Wolke. Please see attach previous complaints of her discrimination and harassment, threats and abuse.

Thank you, for your time.

Respectfully Submitted

A handwritten signature in cursive script, reading "Phyllis Atkinson".

Ms Phyllis Atkinson

HTDC

2010 05 21 10:10

ATKINSON EEO 81



## EXHIBIT 3

North Jersey Developmental Center  
Inter Office Communication

Date: April 4, 2005

To: Maria Parchment  
From: Roxanne Lotts, RN  
Director of Nursing

I met with Phyllis and Carole on November 26, 2003, and the purpose of that meeting was to found solutions as to why Phyllis was having problems completing her work. There were;

1. Incomplete Client Data Sheets
2. Inconsistent information of Client Data Sheets
3. ~~Inconsistencies with the Client Data Books (general information)~~
4. Stacks of files of client records in folders.
5. Expired (deceased) clients still in the computer, and in the Data Books.

Phyllis insisted on not having enough time in her 35 hour work week to complete her assignments. She asked to come in on Sundays four (4) to begin December 7, 2003. Phyllis's Direct Supervisor at that time was Yvonne Bivins, CRN who resigned December 2003. Ms. Wolke became her Direct Supervisor at that time.

On December 30, 2003, I chaired a meeting. Attendants at the meeting included C. Wolke, P. Brask, E. Jones, Phyllis Atkinson and Donna Corrado. The purpose of the meeting was to address the Health Care Center concerns. In the meeting, Phyllis accused Donna Corrado, LPN of taking her Job. There were issues discussed surrounding Phyllis's computer, and I stated that Phyllis would be keeping her computer. Since that time, Phyllis, Emma, Lynda and Sheila have all received new computers and new office furniture.

In April 2004, Ms. Atkinson's PAR (3/1/01-2/28/04) evaluation decreased by three points. She disagreed with the rating and refused to sign it. As Reviewer, I made several attempts in April, May and June of 2004 to meet with Carole and Phyllis, but Ms. Atkinson did not show up for those meetings, usually because she arrived to work too late for the meetings. On



two occasions Carole Wolke was out. With all of our vacations, we did not meet until September 28, 2004.

At this time Ms. Atkinson reviewed her Interim PES, and her Final PAR and agreed. She had made some improvement in getting the weekly calendar out in a timely fashion. At this meeting Phyllis asked Carole why she didn't like her, and Carole explained to her that, that was not true. Phyllis started crying and so did Carole. Carole told Phyllis that it hurts her, when she tells everybody that she's a Racist. Carole said, sobbing, if I was a Racist, would I be helping you with your work all the time? Would I help you with your foster kids, and would I buy you food all the time. Issues of Phyllis's tardiness, Phyllis wanting a time adjustment, and Phyllis accusing Carole of leaving the grounds with Donna Corrado frequently discussed. It seemed good that both of them got their points across, and they agreed to work together. This meeting was from 9:30 AM to 12:00 Noon.

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In October and November 2004 Phyllis was told of her continued tardiness. Phyllis came to me in December about Carole speaking to her concerning her lateness, and incomplete data sheets. I spoke to Phyllis about the importance of arriving to work on time. I suggested to Phyllis that we meet with the Union to discuss her work, and her lateness that maybe they could help. Phyllis asked if I was talking about "Ozzie" of CWA. I stated no, I would arrange a meeting with Sara of CWA. Phyllis said, that's ok. With the holidays Phyllis and Carole, seemed to be getting along well.

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In January 2005, Phyllis's tardiness grew progressively worse. A generalized memo went out. I called "Ozzie" (Clifton James) from CWA twice in January, twice in February. I saw him in the administration building on February 2005 and explained how I needed to meet with him and Phyllis. The following week I saw him on the food service platform and addressed him concerning the need for a meeting.

On February 14, 2005 the Red A incident occurred and violation of a rule. I requested a statement from Phyllis on February 15, 2005, and it was given to me on February 16, 2005.

At the end of February 2005 Phyllis came to my office appearing upset. She asked me if I had the December 1, 2004 "Letter of Complaint" referring to Ms. Wolke, had sent me via e-mail, because she could not find it. I said, you didn't save it?, she said no. I e-mailed her a copy of that letter. I

informed CWA President Clifton James immediately in person of what I had done.

On March 2, 2005 Wednesday at 11:00 AM I had a scheduled meeting with Mr. Andrew Sarchio (Harassment Officer) for guidance. He referred me to Ms. Marcia Parchment, and an EAS recommendation. I got a list of dates from Mr. Sarchio's secretary. I returned to the Health Care Center and called Phyllis. I explained the benefits of EAS Services, but made it clear that it was her decision. She asked questions, which I answered, and she told me she would go. She selected the date of March 21, 2005. I called Angela Sutton the secretary, and she informed me that she still had to confirm with Phyllis. Later I was informed by Angela Sutton that Phyllis refused to attend EAS Services.

On Thursday March 3, 2005 I contacted C. Wolke which was her day of return from being sick and she agreed to meet with me and Phyllis. I called Phyllis at 10:10 AM and stated I wanted to meet with her and Carole at 11:00 AM to address her concerns from her February 28, 2005 letter. Her response shocked me so, that I paused for a minute and then stated, "I'll call you back". All that transcended following her response was documented immediately, and emailed to Bruce Werkheiser, CEO and Dr. Bernice Davis, ACEO. A copy of that e-mail is included in this correspondence.

From: Roxanne.Lotts@dhs.state.nj.us [Roxanne.Lotts@dhs.state.nj.us]  
Sent: Thursday, March 03, 2005 12:29 PM  
To: Bernice.Davis@dhs.state.nj.us  
Cc: Bruce.Werkheiser@dhs.state.nj.us  
Subject: Med 32,CWA

Dear Bernice,

I received a voice message from antonette, from the ERO's office this morning at approx. 9am stating that Gary said That I needed to meet with Carole and Phyllis. At 10am after retrieving this message I tried to set up a meetin with Carole and Phyllis for 11am. Carole agreed, and upon calling Phyllis I told her that we were having a meeting at 11am to address her concerns. She said in a manner of fact tone, "I'm taking a Med. 32 at 11, I'm sick." I ask her what, and she repeated what she said. I asked her who did she communicate thist to, and she replied "Nobody." There was silence for a while. I was really surprised, then I said, Phyllis I'll call you right back. I called Ozzie @ext. 3141. I left an urgent voice message for him, and Gary Engel. Ozzie is CWA's President. My purpose was seek support for Phyllis, and to get advise. I notified you; then I notified Chris Cooper. Chris said you would be in @ 11 am. I called Phyllis back and the line was

busy. I tried 3 times within a 15min. period. The phone was still busy. I called Mike the Charge Nurse in the Health Care Center. I asked Mike if Phyllis had told him that she was taking a Med-32, and leaving at 11am? He said yes, she just told me, and that you said it was ok. I told Mike to tell Phyllis to please bring a medical upon her run to work. Mike said, "OK Roxanne" I received a call from Antonett @ 11am in regards to my urgent message she said that Gary had gotten a message from me and I needed to meet with Carole and Phyllis. I explain to her what had previously happened. She explained that from any one looking from the outside, it looks like she had all of these complaints since Sept. and now I want to meet since she filed with EEOA, and CWA. I explained that there were past meetings, and that I still needed to meet with Gary. She said that she would get back to me. Thanks,

Roxanne

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